

103D CONGRESS  
1ST SESSION

# S. 649

To ensure proper and full implementation by the Department of Health and Human Services of medicaid coverage for certain low-income medicare beneficiaries.

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## IN THE SENATE OF THE UNITED STATES

MARCH 24 (legislative day, MARCH 3), 1993

Mr. RIEGLE (for himself, Mr. MITCHELL, Mr. PRYOR, Mr. COHEN, Mr. KENNEDY, Mr. SIMON, Mr. LEAHY, Mr. JOHNSTON, Mr. SARBANES, and Mr. WOFFORD) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To ensure proper and full implementation by the Department of Health and Human Services of medicaid coverage for certain low-income medicare beneficiaries.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Medicare Enrollment  
5       Improvement and Protection Act of 1993”.

# **TITLE I—IMPROVING ENROLLMENT**

## **SEC. 101. NOTIFICATION.**

(a) IN GENERAL.—Section 1804 of the Social Security Act (42 U.S.C. 1395b–2) is amended—

(1) by striking “and” at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting “, and”,

(3) by inserting after paragraph (3) the following new paragraph:

“(4) a clear, simple explanation (designed to attract the reader’s attention and stated plainly in English and any other language determined by the Secretary) of the eligibility requirements and application procedures for receiving payment of medicare cost-sharing (as defined in section 1905(p)(3)) by qualified medicare beneficiaries (as defined in section 1905(p)(1)), qualified disabled and working individuals (as defined in section 1905(s)), and individuals described in section 1902(a)(10)(E)(iii).”, and

(4) by adding at the end thereof the following new sentence: “The portion of the notice containing the explanation described in paragraph (4) shall also

1 be prepared in a manner suitable for posting and  
2 shall be distributed to physicians, hospital offices,  
3 other medical facilities, and entities receiving grants  
4 from the Secretary for programs designed to provide  
5 services to individuals age 65 or older.”.

6 (b) TOLL-FREE HOTLINE.—The Secretary of Health  
7 and Human Services shall establish a toll-free telephone  
8 number to provide individuals with information on medi-  
9 care cost-sharing (as defined in section 1905(p)(3) of the  
10 Social Security Act (42 U.S.C. 1396d(p)(3)), including the  
11 availability of and requirements for obtaining such medi-  
12 care cost-sharing, where to go for applications, and docu-  
13 mentation needed for applying. Such information shall be  
14 offered to every caller to the hotline regardless of the spe-  
15 cific inquiry. All notices described in section 1804(4) of  
16 the Social Security Act (42 U.S.C. 1395b–2(4)) shall in-  
17 clude this toll-free telephone number.

18 (c) EFFECTIVE DATE.—The amendments made by  
19 subsection (a) shall take effect on the date of the enact-  
20 ment of this Act.

1 **SEC. 102. USE OF SOCIAL SECURITY ADMINISTRATION OF-**  
2 **FICES AND SIMPLIFIED APPLICATION PROC-**  
3 **ESSES.**

4 (a) IN GENERAL.—Title XIX of the Social Security  
5 Act (42 U.S.C. 1396 et seq.) is amended by adding at  
6 the end thereof the following new section:

7 “ALTERNATIVE LOCATIONS FOR PROCESSING  
8 APPLICATIONS FOR QUALIFIED MEDICARE BENEFICIARIES

9 “SEC. 1931. (a) IN GENERAL.—The Secretary,  
10 through the Social Security Administration and the  
11 Health Care Financing Administration, shall provide, as  
12 an alternative to the procedure established by State agen-  
13 cies under State plans under this title, a procedure (in-  
14 cluding appropriate training of personnel by the Health  
15 Care Financing Administration) to assist individuals in  
16 completing the application form described in subsection  
17 (b) at Social Security Administration offices (and any  
18 other Federal office, as determined appropriate by the  
19 Secretary), and to accept by mail or in person such appli-  
20 cation form at such offices. The Secretary shall ensure  
21 that adequate resources are available to implement the  
22 procedure developed under this subsection.

23 “(b) SIMPLIFIED APPLICATION FORMS.—The Sec-  
24 retary shall develop a short, simplified application form  
25 to determine if an individual meets the requirements for  
26 status as a qualified medicare beneficiary under section

1 1905(p)(1), a qualified disabled and working individual  
2 (as defined in section 1905(s)), or an individual described  
3 in section 1902(a)(10)(E)(iii). The form shall be developed  
4 with the consultation of consumer advocates and State  
5 agencies and shall be available in offices described in sub-  
6 section (a).

7 “(c) ADDITIONAL USES OF FORMS.—The Secretary  
8 shall periodically (at such times as determined by the Sec-  
9 retary) mail the forms described in subsection (b) to indi-  
10 viduals potentially eligible for the status described in such  
11 subsection, and shall provide such forms to counselors in  
12 organizations described in section 105 of the Medicare En-  
13 rollment Improvement and Protection Act of 1993 for use  
14 in determining an individual’s eligibility for such status.

15 “(d) SUBMISSION OF FORMS.—Except as provided in  
16 subsection (e), the Secretary shall refer application forms  
17 described in subsection (b) which are received by the Sec-  
18 retary to the appropriate State agency designated under  
19 this title for review and decision.

20 “(e) CERTIFICATION OF DETERMINATION OF STA-  
21 TUS.—

22 “(1) CERTIFICATION TO STATE.—If the Sec-  
23 retary, based upon an application described in sub-  
24 section (b), makes a determination that an individ-  
25 ual meets the requirements for the status described



1 in such subsection, the Secretary shall certify such  
2 determination to the State in which the individual  
3 resides.

4 “(2) STATE RECOGNITION OF ELIGIBILITY.—If  
5 the Secretary certifies to the State that an individ-  
6 ual meets the requirements for such status, the indi-  
7 vidual shall be deemed to have met the requirements  
8 for such status.

9 “(3) CONTINUING ELIGIBILITY REQUIRED.—  
10 Nothing in paragraph (2) shall be construed to pro-  
11 hibit a State from requiring an individual to con-  
12 tinue to meet the requirements of such status after  
13 the individual is deemed to have met the require-  
14 ments of such status under paragraph (2).”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 subsection (a) shall take effect on the date of the enact-  
17 ment of this Act.

18 **SEC. 103. MANDATORY DIRECT ENROLLMENT OF PART A**  
19 **ELIGIBLES.**

20 (a) IN GENERAL.—Paragraph (1) of section 1818(g)  
21 of the Social Security Act (42 U.S.C. 1395i-2(e)) is  
22 amended by striking “shall, at the request of a State made  
23 after 1989, enter into a modification of an agreement en-  
24 tered into with the State pursuant to section 1843(a)” and

1 inserting “shall enter into an agreement with each State  
2 under terms described in section 1843”.

3 (b) **EFFECTIVE DATE.**—The amendment made by  
4 subsection (a) shall take effect on the date of the enact-  
5 ment of this Act.

6 **SEC. 104. OPTIONAL PRESUMPTIVE ELIGIBILITY.**

7 (a) **IN GENERAL.**—Title XIX of the Social Security  
8 Act (42 U.S.C. 1396 et seq.) is amended by inserting after  
9 section 1920 the following new section:

10 “PRESUMPTIVE ELIGIBILITY FOR QUALIFIED MEDICARE  
11 BENEFICIARIES

12 “SEC. 1920A. (a) **IN GENERAL.**—A State plan ap-  
13 proved under section 1902 may provide that during a pre-  
14 sumptive eligibility period, medical assistance may be  
15 made available for medicare cost-sharing (as described in  
16 clauses (i), (ii), and (iii) of section 1902(a)(10)(E)) to  
17 qualified medicare beneficiaries (as defined in section  
18 1905(p)(1)), qualified disabled and working individuals  
19 (as defined in section 1905(s)), and individuals described  
20 in section 1902(a)(10)(E)(iii) without regard to whether  
21 a final determination of eligibility for such assistance has  
22 been made.

23 “(b) **DEFINITIONS.**—For purposes of this section—

24 “(1) the term ‘presumptive eligibility period’  
25 means, with respect to an individual described in  
26 subsection (a), the period that—

1           “(A) begins with the date on which a  
2           qualified provider determines, on the basis of  
3           preliminary information, that the family income  
4           of the individual does not exceed the applicable  
5           income level of eligibility under the State plan,  
6           and

7           “(B) ends with (and includes) the earlier  
8           of—

9           “(i) the day on which a determination  
10          is made with respect to the eligibility of  
11          the individual for medical assistance de-  
12          scribed in subsection (a) under the State  
13          plan, or

14          “(ii) in the case of an individual who  
15          does not file an application by the last day  
16          of the month following the month during  
17          which the provider makes the determina-  
18          tion referred to in subparagraph (A), such  
19          last day, and

20          “(2) the term ‘qualified provider’ means any  
21          provider that—

22                 “(A) is eligible for payments under a State  
23                 plan approved under this title, and



1                   “(B) is determined by the State agency to  
2                   be capable of making determinations of the type  
3                   described in paragraph (1)(A).

4           “(c) DUTIES OF STATE AGENCY, QUALIFIED PRO-  
5 VIDERS, AND PRESUMPTIVELY ELIGIBLE INDIVIDUALS.—

6           “(1) DUTIES OF STATE AGENCY.—The State  
7           agency shall provide qualified providers with—

8                   “(A) such forms as are necessary for an  
9                   individual described in subsection (a) to make  
10                  application for medical assistance described in  
11                  subsection (a) under the State plan, and

12                  “(B) information on how to assist such in-  
13                  dividuals in completing and filing such forms.

14           “(2) DUTIES OF QUALIFIED PROVIDERS.—A  
15           qualified provider that determines under subsection  
16           (b)(1)(A) that such an individual is presumptively  
17           eligible for such medical assistance under a State  
18           plan shall—

19                   “(A) notify the State agency of the deter-  
20                  mination within 5 working days after the date  
21                  on which the determination is made, and

22                   “(B) inform the individual at the time the  
23                  determination is made that such individual is  
24                  required to make application for such medical  
25                  assistance under the State plan by no later

1           than the last day of the month following the  
2           month during which the determination is made.

3           “(3) DUTIES OF PRESUMPTIVELY ELIGIBLE IN-  
4           DIVIDUALS.—An individual who is determined by a  
5           qualified provider to be presumptively eligible for  
6           medical assistance under a State plan shall make ap-  
7           plication for such medical assistance under such  
8           plan by no later than the last day of the month fol-  
9           lowing the month during which the determination is  
10          made.”.

11          (b) EFFECTIVE DATE.—The amendment made by  
12         subsection (a) shall apply to calendar quarters beginning  
13         on or after January 1, 1994, without regard to whether  
14         or not regulations to implement such amendment are pro-  
15         mulgated by such date.

16         **SEC. 105. OUTREACH GRANTS.**

17           (a) GRANTS.—

18           (1) IN GENERAL.—The Secretary of Health and  
19         Human Services (in this section referred to as the  
20         “Secretary”) shall make grants, one-half to State  
21         agencies and one-half to organizations approved  
22         under paragraph (2), that submit applications to the  
23         Secretary that meet the requirements of this section  
24         for the purpose of providing information, counseling,  
25         and assistance to older individuals who may be eligi-

ble for, but who are not receiving, benefits as qualified medicare beneficiaries (as defined in section 1905(p)(1) of the Social Security Act (42 U.S.C. 1396d(p)(1)), qualified disabled and working individuals (as defined in section 1905(s) of such Act (42 U.S.C. 1396d(s)), and individuals described in section 1902(a)(10)(E)(iii) of such Act (42 U.S.C. 1396a(a)(10)(E)) (in this section referred to as “eligible individuals”). The Secretary shall prescribe regulations to establish a minimum level of funding for a grant issued under this section.

(2) APPROVED ORGANIZATIONS.—For purposes of paragraph (1), an organization shall be approved by the Secretary to submit an application for grant funding (as described in subsection (b)) if, as determined by the Secretary, such organization has local entities that can assist older individuals with information and applications to determine if such individuals are eligible individuals.

(b) GRANT APPLICATIONS.—

(1) SUBMISSIONS.—In submitting an application under this section, a State agency or approved organization may consolidate and coordinate an application that consists of parts prepared by more

1       than one department of such State agency or organi-  
2       zation.

3               (2) PROGRAM REQUIREMENTS.—As part of an  
4       application for a grant under this section, a State  
5       agency or approved organization shall submit a plan  
6       for an information, counseling, and assistance pro-  
7       gram. Such program shall—

8               (A) establish or improve upon an informa-  
9       tion, counseling, and assistance program that  
10      provides counseling and assistance to eligible in-  
11      dividuals in need of information that may assist  
12      such individuals in applying for medicare cost-  
13      sharing (as defined in section 1905(p)(3) of the  
14      Social Security Act (42 U.S.C. 1396d(p)(3));

15              (B) establish a system of referrals to ap-  
16      propriate Federal, State, or local departments  
17      or agencies for assistance with problems related  
18      to enrollment in and full implementation of  
19      such medicare cost-sharing program, as deter-  
20      mined by the Secretary;

21              (C) provide for a sufficient number of staff  
22      positions (including volunteer positions) nec-  
23      essary to provide the services of the informa-  
24      tion, counseling, and assistance program;

1 (D) provide for the collection and dissemi-  
2 nation of timely and accurate enrollment infor-  
3 mation to staff members;

4 (E) provide for training programs for staff  
5 members (including volunteer staff members);

6 (F) provide for the coordination of the ex-  
7 change of enrollment information between the  
8 staff of departments and agencies of the State  
9 government and the staff of the information,  
10 counseling, and assistance program;

11 (G) make recommendations concerning  
12 consumer issues and complaints related to such  
13 enrollment to agencies and departments of the  
14 State government and the Federal Government  
15 responsible for providing such medicare cost-  
16 sharing;

17 (H) establish an outreach program to pro-  
18 vide the enrollment information and counseling  
19 described in subparagraph (A) and the assist-  
20 ance described in subparagraph (B) to eligible  
21 individuals; and

22 (I) demonstrate, to the satisfaction of the  
23 Secretary, an ability to provide the counseling  
24 and assistance required under this section.



1       (c) ADMINISTRATION.—The State agency or ap-  
2 proved organization shall operate the information, counsel-  
3 ing, and assistance program in locations other than State  
4 welfare offices, including facilities operated by any area  
5 agency on aging (as defined in section 102(a)(17) of the  
6 Older Americans Act of 1965), meals on wheels program,  
7 senior center, and other location determined by the Sec-  
8 retary in consultation with such agency or organization.

9       (d) MAINTENANCE OF EFFORT.—Any funds appro-  
10 priated for the activities under this section shall supple-  
11 ment, and shall not supplant, funds that are expended for  
12 similar purposes under any Federal, State, or local pro-  
13 gram.

14       (e) ANNUAL APPLICANT REPORT.—A State agency  
15 or approved organization that receives a grant under sub-  
16 section (a) shall, not later than 180 days after receiving  
17 such grant, and annually thereafter, issue an annual re-  
18 port to the Secretary that includes information  
19 concerning—

20               (1) the number of individuals served by the in-  
21 formation, counseling, and assistance program of  
22 such State agency or organization; and

23               (2) the problems that eligible individuals en-  
24 counter in enrolling for medicare cost-sharing.

1 (f) REPORT TO CONGRESS.—Not later than 180 days  
2 after the date of enactment of this section, and annually  
3 thereafter, the Secretary shall issue a report to the Com-  
4 mittee on Finance of the Senate, the Special Committee  
5 on Aging of the Senate, the Committee on Ways and  
6 Means of the House of Representatives, the Committee on  
7 Energy and Commerce of the House of Representatives,  
8 and the Select Committee on Aging of the House of Rep-  
9 resentatives that—

10 (1) summarizes the allocation of funds author-  
11 ized for grants under this section and the expendi-  
12 ture of such funds;

13 (2) outlines the problems that eligible individ-  
14 uals encounter in enrolling for medicare cost-shar-  
15 ing;

16 (3) makes recommendations that the Secretary  
17 determines to be appropriate to address the prob-  
18 lems described in paragraph (2); and

19 (4) in the case of the first report issued 2 years  
20 after the date of enactment of this section, evaluates  
21 the effectiveness of counseling programs established  
22 under this program, and makes recommendations re-  
23 garding continued authorization of funds for these  
24 purposes.

1       (g) AUTHORIZATION OF APPROPRIATIONS FOR  
2 GRANTS.—There are authorized to be appropriated, in  
3 equal parts from the Federal Hospital Insurance Trust  
4 Fund and from the Federal Supplementary Medical Insur-  
5 ance Trust Fund, \$30,000,000 for each of the fiscal years  
6 1994, 1995, and 1996, and \$10,000,000 for each of the  
7 fiscal years beginning after fiscal year 1996, to fund the  
8 grant programs described in this section.

9       **TITLE       II—APPLICATION       OF**  
10       **OTHER       MEDICAID       ELIGI-**  
11       **BILITY RULES**

12       **SEC. 201. OTHER MEDICAID ELIGIBILITY RULES.**

13       (a) IN GENERAL.—Subsection (a) of section 1905 of  
14 the Social Security Act (42 U.S.C. 1396d) is amended by  
15 striking “or, in the case of medicare cost-sharing with re-  
16 spect to a qualified medicare beneficiary described in sub-  
17 section (p)(1), if provided after the month in which the  
18 individual becomes such a beneficiary)” and inserting “or,  
19 in the case of medicare cost-sharing with respect to a  
20 qualified medicare beneficiary (as defined in subsection  
21 (p)(1)), a qualified disabled and working individual (as de-  
22 fined in subsection (s)), or an individual described in sec-  
23 tion 1902(a)(10)(E)(iii), if provided in or after the third  
24 month before the month in which the individual makes ap-  
25 plication to become such a beneficiary or individual)”.

1 (b) CONFORMING AMENDMENT.—Paragraph (8) of  
 2 section 1902(e) of the Social Security Act (42 U.S.C.  
 3 1396a(e)) is amended to read as follows:

4 “(8) For purposes of payment to a State under sec-  
 5 tion 1903(a), if an individual is determined to be a quali-  
 6 fied medicare beneficiary (as defined in section  
 7 1905(p)(1)), a qualified disabled and working individual  
 8 (as defined in section 1905(s)), or an individual described  
 9 in subsection (a)(10)(E)(iii), such determination shall be  
 10 considered to be valid for an individual for a period of  
 11 12 months from the date of application, except that a  
 12 State may provide for such determinations more fre-  
 13 quently, but not more frequently than once every 6 months  
 14 for an individual.”.

15 (c) EFFECTIVE DATE.—The amendments made by  
 16 this section shall apply with respect to applications filed  
 17 after December 31, 1993.

## 18 **TITLE III—REPORT**

### 19 **SEC. 301. REPORT BY SECRETARY.**

20 The Secretary of Health and Human Services shall  
 21 report to the Congress not later than 12 months after the  
 22 date of enactment of this Act on the activities of the De-  
 23 partment of Health and Human Services to ensure enroll-  
 24 ment and full implementation of the benefits described in  
 25 section 1902(a)(10)(E) of the Social Security Act (42

1 U.S.C. 1396a(a)(10)(E)) and the effectiveness of each  
2 such activity. Such report shall also include any rec-  
3 ommendations regarding any proposed legislation nec-  
4 essary to further improve such enrollment and implemen-  
5 tation.

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